

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSE ANGEL SOLIS AND MARIA
GUADALUPE GARCIA

Plaintiffs,

v.

NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY AND DALE GRIMM
Defendant.

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CIVIL ACTION NO. 5:16-cv-876

NOTICE OF REMOVAL

Defendants, Nationwide Property and Casualty Insurance Company and Dale Grimm (“Defendants”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, file this Notice of Removal of the lawsuit captioned *Jose Angel Solis and Maria Guadalupe Garcia v. Nationwide Property and Casualty Insurance Company and Dale Grimm*; Cause No. 2016CI11912, in the 224th Judicial District of Bexar County, Texas.

**I.
BACKGROUND**

1. Plaintiffs Jose Angel Solis and Maria Guadalupe Garcia (hereinafter “Plaintiffs”) initiated the present action by filing their Original Petition in Cause No. 2016CI11912, in the 224th Judicial District of Bexar County, Texas on August 4, 2016 (the “State Court Action”). *See* Plaintiffs’ Original Petition, attached as **Exhibit A**.

2. Defendants appeared and answered on September 1, 2016, asserting a general denial to the claims and allegations made in Plaintiffs’ Original Petition. *See* Defendants’ Original Answer, attached as **Exhibit B**.

3. Pursuant to 28 USC § 1446(a) and Local Rule 81, all a copy of all process, pleadings, and orders served upon Defendants in the State Court Action not otherwise specifically identified as separate exhibits have been incorporated in **Exhibit A**.

4. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendants will give written notice of the removal to Plaintiffs through their attorney of record, and to the clerk of the 224th Judicial District of Bexar County, Texas.

5. Pursuant to 28 USC §§ 1446(b)(1) and 1446(c)(1) this Notice of Removal has been timely filed within 30 days of service on Defendants of Plaintiffs' Original Petition and less than one year after the commencement of this action.

II. JURISDICTION

6. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removable to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

A. Diversity of Parties

7. Plaintiffs are domiciled in Bexar County, Texas. *See Exhibit A*, ¶ 2. Pursuant to 28 U.S.C. § 1332(a), therefore, Plaintiffs are citizens of the State of Texas.

8. Nationwide Property and Casualty Insurance Company is organized under the laws of Ohio and maintains its principal place of business in Ohio. Pursuant to 28 U.S.C. § 1332(c)(1), therefore, Nationwide is a citizen of the State of Ohio.

9. Defendant Dale Grimm is domiciled in Cuyahoga County, Ohio, and is therefore a citizen of the state of Ohio.

10. Accordingly, there is complete diversity between the parties pursuant to 28 U.S.C. § 1332(a).

B. Amount in Controversy

11. Plaintiffs' Original Petition states that Plaintiffs seek "monetary relief over \$200,000 but not more than \$1,000,000." *See* Plaintiffs' Original Petition, **Exhibit A**, ¶ 5. The threshold for diversity jurisdiction, \$75,000, is therefore met by the allegations of Plaintiffs' Original Petition.

12. The amount in controversy plainly exceeds \$75,000, exclusive of interest and costs. *See* **Exhibit A**. Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

**III.
CONCLUSION**

13. Removal of this action under 28 U.S.C. § 1441(b) is proper as the district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

14. WHEREFORE, Defendant Nationwide Property and Casualty Insurance Company and Dale Grimm hereby provide notice that this action is duly removed.

(Signatures on following page)

Respectfully submitted,

/s/ Patrick M. Kemp

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**ATTORNEYS FOR DEFENDANTS
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INSURANCE COMPANY AND DALE GRIMM**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served via certified mail, return receipt requested this the 1st day of September, 2016 to:

Rene M. Sigman

Mostyn Law

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/s/ Patrick M. Kemp

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